

REMARKS

1. Claims 1-44, 47, 48 and 50 are pending in this application. Claims 30-33, 35-37, 39, 41-44 and 50 have been withdrawn from consideration. Claims 1-29 have been allowed and claims 34, 38, 40 and 48 have been rejected. Applicants have now amended claims 34, 38 and 48, and cancelled claim 47.

Applicants respectfully request reconsideration of the application in view of the above amendment and the following remarks.

2. Claims 34, 38, 40 and 48 stand rejected under 35 U.S.C. §103 as being obvious over Shimanaka U.S. Patent No. 5,150,761 in view of Tsuno U.S. Patent No. 5,719,565.

Applicants respectfully traverse this ground of rejection.

Claim 34 recites, inter alia, that “when the computed rotational acceleration exceeds an acceleration value, which is predetermined for judging whether the driving wheel is skidding, the controller controls the engine output to limit the power transmitted to the driving wheel.”

Claim 38 recites, inter alia, “when the computed rotational acceleration exceeds an acceleration determination value, which is predetermined for judging whether the driving wheel is skidding, the controller decreases an engaging force of one of the clutches that corresponds to the moving direction of the vehicle for decreasing the power transmitted to the driving wheel by controlling the corresponding clutch value.” Claim 40 depends from claim 38.

Claim 48 recites, inter alia, that “when the greater of the computed rotational accelerations exceeds an acceleration determination value, which is predetermined for judging whether each driving wheel is skidding, the controller decreases the engaging force of one of the clutches that corresponds to the moving direction of the vehicle for decreasing the power

transmitted to the driving wheels."

In short, claims 34, 38, 40 and 48 recite a traction control arrangement. "To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." MPEP §2143.03.

The Shimanaka patent describes a system that adjusts an automatic transmission for the amount of torque being generated by an engine. See Shimanaka at col. 1, ln. 52-63 and col. 6, ln. 58 – col. 7, ln. 11. The Tsuno patent describes an anti-lock brake control (ABS control) that takes into account the road condition. That is, high frequency components of the wheel acceleration are filtered using a high-pass filter to obtain the frequency components of the wheel acceleration which are due only to the road surface condition. See Abstract.

In the Advisory Action (dated March 7, 2003), the Examiner pointed to column 6, lines 60-62 of the Tsuno patent. However, that portion of the Tsuno patent describes how a bad road condition is ascertained by comparing the measured high frequency components of wheel acceleration with "a predetermined bad road determination level L." See Tsuno at Col. 6, ln. 60 – col. 7, ln. 3. When a bad road condition is determined "the brake hydraulic pressure is increased to shorten the braking distance because the braking force of the vehicle increases when brake hydraulic pressure is increased." Tsuno at Col. 7, ln. 11-14. This is not a disclosure of decreasing the power transmitted to the driving wheels, as recited in claims 34, 38, 40 and 48.

Simply put, the Tsuno patent relates to ABS control, not traction control. Consequently, the Tsuno patent does not disclose the subject matter missing from the principle reference, the Shimanaha patent. Applicants, therefore, respectfully request that this ground of rejection be

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withdrawn.

CONCLUSION

Based on the foregoing remarks, it is respectfully submitted that the claims as currently pending are patentable and in condition for allowance. Reconsideration of the application and withdrawal of the rejections are respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required for the timely consideration of this amendment under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account No. 13-4500, Order No. 5000-4810.

Respectfully submitted,
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